

IN THE UNITED STATES DISTRICT COURT

MELISSA TURNEY, ROSS E. TURNEY,)
her husband and TREVOR SHIVELY, her)
minor son, by MELISSA TURNEY, as)
parent and legal guardian,)

VS.

ARTHUR GLOVER, and WENGER)
TRUCK LINE, INC., a foreign corporation)

**NOTICE UNDER 10 DEL.C. §3112 UNDER DELAWARE LONG ARM STATUTE
TO DEFENDANT, WENGER TRUCK LINE, INC.**

TO: Wenger Truck Line, Inc.
1011 Floral Lane
Davenport, IA 58202

PLEASE TAKE NOTICE that the original of the enclosed Complaint was filed upon the Secretary of State of Delaware pursuant to 10 Del. C. Section 3112.

Service on the Secretary pursuant to 10 Del. C. Section 3112 is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

/s/ David P. Cline
David P. Cline, Esq. (#2681)
1300 North Market Street
Suite 700
Wilmington, DE 19801
302-529-7848
Attorney for Plaintiffs

Date: 01/09/08

Letter to Defendant, Wenger Truck
Line, Inc., for long arm service of
process as prescribed by 10 Del.C.
§3112

David P. Cline

davidcline@mylawman.com

Attorney-at-Law

Let Mylawman become Yourlawman.™

LICENSED TO PRACTICE IN
DE MD NJ NY & PA

715 N. KING ST., 1ST FLOOR
PO BOX 33
WILMINGTON DE 19899-0033
302 529 - 7848
302 LAW-SUIT

PHILADELPHIA, PA 19103
MEDIA, PA 19063
MT LAUREL, NJ 08054

FAX 302 654-0884

PLEASE NOTE NEW ADDRESS ABOVE; P.O. BOX REMAINS SAME

January 9, 2008

Wenger Truck Line, Inc.
1011 Floral Lane
Davenport, IA 58202

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Re: Melissa Turney, et al. vs. Arthur Glover, et al.
Case No.: 07-cv-00648-JJF

To Whom It May Concern:

Please take notice that the enclosed process and complaint have been served upon the Secretary of State as prescribed by Section 3112 of Title 10 of the Delaware Code of 1953. This service upon the Secretary of State is made as if that service had been made upon you personally. Enclosed please find a copy of the Service of Process and the Complaint. Please note that you have 20 days from the date of service of this letter to file an answer to this complaint or a default judgment will be entered against you. A copy of that answer must be served upon me.

Please turn this matter over to the auto insurance company that was in effect on the date of this accident. If you do not have insurance that will cover you for this accident please contact me at the above. Thank you.

Very truly yours,

/s/ David P. Cline
(signed electronically)

David P. Cline

Enclosure
DPC/AS/a

Return of Service from Brandywine
Process Servers served on the
Secretary of State for long arm
service of process as prescribed by 10
Del.C. §3112

UNITED STATES DISTRICT COURT

District of Delaware

Melissa L. Turney, Ross E. Turney, her husband and
Trevor Shively, her minor son, by Melissa Turney as
parent and Legal Guardian

V.

SUMMONS IN A CIVIL CASE

CASE NUMBER: 07-cv-00648-JJF

Arthur Glover and Wenger Truck Line, Inc., a foreign
corporation

TO: (Name and address of Defendant)

Wenger Truck Line, Inc.
1011 Floral Lane
Davenport, IA 58202

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

David P. Cline, Esquire
715 North King Street, Suite 100
P.O. Box 33
Wilmington, DE 19899-0033

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the
Clerk of this Court within a reasonable period of time after service.

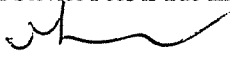
PETER T. DALLEO

CLERK

DATE

12/13/07

(By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE 12/14/07	
NAME OF SERVER (PPJNT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served: _____</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted: _____</div> <div><input checked="" type="checkbox"/> Other (specify): SERVED: WENGER TRUCK LINE, INC C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE COPIES THEREOF WERE ACCEPTED BY KAREN CHARBENEAU</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 30%;"><p>Executed on <u>12/14/07</u></p><p style="text-align: center;">Date</p></div><div style="width: 60%; text-align: center;"> _____ <i>Signature of Server</i> BRANDYWINE PROCESS SERVERS, LTD. P.O. BOX 1360 WILMINGTON, DE 19899-1360 302- 475-2600</div></div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Original Complaint Filed on
October 18, 2007

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Melissa L. Turney, Ross E. Turney, her husband and Trevor Shively, her minor son, by Melissa Turney as Parent and Legal Guardian
 (b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Steven J. Stirparo, Esq.

3622 Silverside Road, Wilm, DE 19810
 302-479-9555

DEFENDANTS

Arthur Glover and Wenger Truck Line, Inc.,
 A Foreign Corporation

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) Steven P. Casarino, Esq. and Sarah C Brannan, Esq., 800 N. King Street, #200
 Wilm, DE 19801 302-594-4500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. 1441

Brief description of cause:

Notice of Removal of personal injury action with diversity of citizenship

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

Steven J. Stirparo DE Bar I.D. #4685

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MELISSA L. TURNEY,
ROSS E. TURNEY, her husband
and TREVOR SHIVELY, her minor
son, by Melissa Turney as Parent
and Legal Guardian,
Plaintiffs,

Dist. Ct. No. _____
CIVIL ACTION No.: 07C-08-035 JTV

v.

NOTICE OF REMOVAL

ARTHUR GLOVER, and
WENGER TRUCK LINE, INC.,
a Foreign Corporation
Defendants.

NOTICE OF REMOVAL

Arthur Glover and Wenger Truck Line, Inc., defendants in the above entitled action,
respectfully state as follows:

1. On August 22, 2007, a civil action was commenced against the defendants in the Superior Court of the State of Delaware in and for Kent County entitled Melissa L. Turney, Ross E. Turney, her husband and Trevor Shively, her minor son, by Melissa Turney as Parent and Legal Guardian v. Arthur Glover, and Wenger Truck Line, Inc., a Foreign Corporation; Civil Action No. 07C-08-035 JTV. Plaintiff has certified that damages exceed \$100,000 and, therefore, filed the complaint as a non-arbitration case. Copies of all pleadings and process filed against defendants in this action are attached hereto.

2. The aforementioned case is a personal injury action that arose from an alleged August 25, 2005 motor vehicle accident.

3. On September 27, 2007 Defendant Wenger Truck Line, Inc., received copies of the summons, praecipe and complaint.

4. Plaintiffs are allegedly residents of the State of Delaware who reside at 30 Vineyard Lane, Felton, Delaware 19943.

5. At the time the action was commenced, Defendant Wegner Truck Lines, Inc., is a foreign corporation existing under the laws of the state of Iowa with its principal place of business located at 1011 Floral Lane, Davenport, Iowa 52802.

6. At the time the action was commenced, Defendant Arthur Glover is a resident of the State of Illinois who resides at Van Wie Avenue, Rockford, Illinois 61103.

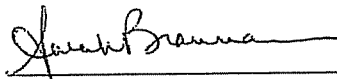
7. This Court has original jurisdiction of this action on the basis of diversity of citizenship, under 28 U.S.C. §1332, and removal jurisdiction under 28 U.S.C. §1441(a).

8. The petitioners will give written notice of the filing of this petition to the plaintiffs as required by 28 U.S.C. §1446(d).

9. A copy of this notice will be filed with the Prothonotary for Kent County Superior Court as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants request that the action filed in Kent County Superior Court be removed to and proceed forward in the United States District Court for the District of Delaware.

CASARINO, CHRISTMAN & SHALK, P.A.



Stephen P. Casarino, Esq.

Del. Bar ID No. 174

Sarah C. Brannan, Esq.

Del. Bar ID No. 4685

800 N. King Street, Suite 200

P.O. Box 1276

Wilmington, DE 19899

(302) 594-4500

Attorneys for Defendants

100-111-170

From: unknown Page: 6/20 Date: 9/28/2007 10:27:57 AM

EFiled: Aug 22 2007 11:04 EDT
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

PRAECIPE

TO: PROTHONOTARY
KENT COUNTY COURTHOUSE
DOVER, DE 19901

PLEASE DOCKET the above-captioned case and issue summons to the Sheriff of KENT County for service of the summons, together with a copy of the Complaint, Form 30 Interrogatory Answers, and Rule 3(a)(1) Response, as follows:

1. Upon the defendant Arthur Glover, a nonresident, by delivering copies of the aforementioned documents to defendant's agent for service of process, the Secretary of State of the State of Delaware located at 401 Federal Street, Townsend Building, Suite 3, Dover, DE 19901 pursuant to 10 Del.C. § 3112. On information and belief, defendant Arthur Glover's address is 2111 Van Wie Avenue, Rockford, IL 61103.

2. Upon defendant Wenger Truck Line, Inc., a Foreign Corporation, by delivering copies of the aforementioned documents to defendant's agent for service of process, the Secretary of State of the State of Delaware located at 401 Federal Street, Townsend Building, Suite 3, Dover, DE 19901 pursuant to 10 Del.C. § 3112. On information and belief, defendant's principal place of business is located at 1011 Floral Lane, Davenport, IA 58202.

Received
Sep 28 2007 1:16PM HP LASERJET FAX

From: unknown

Page: 7/20

Date: 9/28/2007 10:27:57 AM

Enclosed please find checks for \$35.00 payable to the Sheriff of KENT County and ~~\$12.00~~ payable to the Secretary of State for service of process. ^{4.00}

/s/ Steven J. Stirparo

STEVEN J. STIRPARO

3622 Silverside Road

Wilmington, DE 19810

Bar No. 2293

302/479-9555

Attorney for Plaintiffs

DATED: August 21, 2007

From: unknown Page: 8/20 Date: 9/28/2007 10:27:58 AM

EFiled: Aug 22 2007 11:04
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT-COUNTY

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

SUMMONS

THE STATE OF DELAWARE,
TO THE SHERIFF OF KENT COUNTY:
YOU ARE COMMANDED:

To summon the above named defendant, so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon STEVEN J. STIRFARO, ESQUIRE, plaintiff's attorney, whose address is 3622 Silverside Road, Wilmington, Delaware 19810, an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiffs).
Dated:

SHARON D. AGNEW
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON D. AGNEW
Prothonotary

Per Deputy

From: unknown Page: 9/20 Date: 9/28/2007 10:27:58 AM

EFiled: Aug 22 2007 11:04
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

SUMMONS

THE STATE OF DELAWARE,
TO THE SHERIFF OF KENT COUNTY:
YOU ARE COMMANDED:

To summon the above named defendant, so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon STEVEN J. STIRPARO, ESQUIRE, plaintiff's attorney, whose address is 3622 Silverside Road, Wilmington, Delaware 19810, an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiffs).
Dated:

SHARON D. AGNEW
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON D. AGNEW
Prothonotary

Per Deputy

From: unknown Page: 2/20 Date: 9/28/2007 10:27:56 AM

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED


NOTICE

TO: Wenger Truck Line, Inc.
1011 Floral Lane
Davenport, IA 58202

BY: REGISTERED MAIL
RETURN RECEIPT REQUESTED

PLEASE TAKE NOTICE that the originals of the enclosed Complaint and Summons, Form 30 Interrogatory Answers, and Production Response, were served upon the Secretary of State for the State of Delaware, on the 31st day of August, A.D. 2007, pursuant to 10 Del.C. §3112.

Service upon the Secretary of State pursuant to 10 Del.C. §3112 is as effectual for all intents and purposes as if it had been made upon you personally within the State of Delaware.


STEVEN J. SHEPPARO
3622 Silverside Road
Wilmington, DE 19810
Bar No. 2293
302/479-9555
Attorney for Plaintiffs

DATE: September 18, 2007

From: unknown Page: 5/20 Date: 9/28/2007 10:27:57 AM

EFiled: Aug 22 2007 11:04
Transaction ID 16053691
Case No. 07C-08-035 JTV



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)
COUNTY: N K S CIVIL ACTION NUMBER: 07C-08-035 JTV
CIVIL CASE CODE: CPLA CIVIL CASE TYPE: Personal Injury Auto
(SEE REVERSE SIDE FOR CODES AND TYPES)

<p>CAPTION: MELISSA L. TURNEY, ROSS E. TURNEY, her husband, and TREVOR SHIVELY, her minor son, by Melissa L. Turney as Parent and/or Legal Guardian, Plaintiffs, v. ARTHUR GLOVER, and WENGER TRUCK LINE, INC., A Foreign Corporation, Defendants.</p>	<p>NAME AND STATUS OF PARTY FILING DOCUMENT: See Caption, Plaintiffs</p> <p>DOCUMENT TYPE: (E.G., COMPLAINT, ANSWER WITH COUNTERCLAIM) <u>Complaint</u></p> <p>Non-Arbitration <u>X</u> E-FILE <u>X</u> (CERTIFICATE OF VALUE MAY BE REQUIRED) Arbitration <u>X</u> Mediation <u> </u> Neutral Assessment <u> </u> JURY DEMAND <u>X</u> YES <u> </u> NO TRACK ASSIGNMENT REQUESTED: (CIRCLE ONE) <u>EXPEDITED</u> <u>STANDARD</u> <u>COMPLEX</u></p>
<p>ATTORNEY NAME(S): Steven J. Stirparo</p> <p>FIRM NAME: Steven J. Stirparo Attorney at Law</p> <p>ADDRESS: Steven J. Stirparo Attorney at Law 3622 Silverside Road Wilmington, Delaware 19810 TELEPHONE NUMBER: 302-479-9555 FAX NUMBER: 302-427-9559 E-MAIL ADDRESS:</p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS</p> <p>EXPLAIN THE RELATIONSHIP(S):</p> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:</p> <p>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGES)</p>

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

From: unknown Page: 10/20 Date: 9/28/2007 10:27:58 AM

EFiled: Aug 22 2007 11:04
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT-COUNTY

MELISSA L. TURNEY,
ROSS E. TURNEY, her husband
and TREVOR SHIVELY, her minor
son, by Melissa Turney as
Parent and Legal Guardian,

Plaintiffs,

v.

ARTHUR GLOVER, and
WENGER TRUCK LINE, INC.,
a Foreign Corporation,

Defendants.

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiffs are individual residents of the State of Delaware residing at 30 Vineyard Lane, Felton, Delaware 19943.

2. Upon information and belief, defendant Arthur Glover is an individual resident of the State of Iowa residing at 2111 Van Wie Avenue, Rockford, Illinois 61103.

3. Upon information and belief, defendant Wenger Truck Lines, Inc. is a foreign corporation with its principal place of business located at 1011 Floral Lane, Davenport, Iowa 52802.

4. At all times pertinent hereto, defendant Arthur Glover was acting within the course and scope of his employment with defendant Wenger Truck Lines, Inc. Therefore, defendant Wenger Truck Line, Inc. is responsible for the reckless, wanton and/or negligent actions and/or inactions of defendant Arthur

COUNT I

5. On August 25, 2005 at approximately 12:33 p.m., plaintiff Melissa L. Turney was operating a vehicle owned by plaintiff Ross E. Turney, travelling in a southerly direction on Dupont Highway, in New Castle County, and stopped at a red light.

6. At the same time, a 2001 International Freightliner being operated by defendant Arthur Glover and owned by defendant Wenger Truck Line, Inc., was also travelling in a southerly direction on Dupont Highway.

7. Suddenly and without warning, the vehicle operated by defendant Arthur Glover and owned by defendant Wenger Truck Line, Inc. struck the rear of the vehicle that was operated by plaintiff Melissa L. Turney.

8. Immediately following impact, plaintiff Melissa L. Turney put her vehicle in park, turned on her hazard lights and called 911 to notify the police.

9. At or about the same time, the traffic light turned green and the vehicle operated by defendant Arthur Glover and owned by defendant Wenger Truck Line, Inc. again struck the rear of the vehicle being operated by plaintiff Melissa Turney and pushed plaintiff's vehicle forward a distance even though plaintiff's vehicle was in park at the time.

10. The aforesaid collision and plaintiff Melissa L. Turney's resulting injuries and damages were proximately caused by the recklessness, wantonness and/or negligence of defendant Arthur Glover in that he:

From: unknown Page: 12/20 Date: 9/28/2007 10:27:59 AM

a. Operated his vehicle on a highway at a speed greater than was reasonable and prudent under the conditions and without having regard to the actual and potential hazards then existing, in violation of 21 Del. C. § 4168(b);

b. Operated his vehicle in a wanton and/or reckless disregard for the safety of persons or property, in violation of 21 Del. C. § 4175(a);

c. Operated his vehicle in such a manner as to cause wanton or reckless damage to or destruction of property owned by another person, party, company or corporation, in violation of 21 Del. C. § 4172(a);

d. Operated his vehicle in such a manner as to cause wanton or reckless damage to or destruction of property owned by another person, party, company or corporation, or so as to cause or threaten to cause injury or death to any person, in violation of 21 Del. C. § 4172(b);

e. failed to maintain a proper lookout while operating the vehicle he was driving, in violation of 21 Del. C. § 4176(b);

f. failed to give full time and attention to the operation of the vehicle he was driving, in violation of 21 Del. C. § 4176(b);

g. operated the vehicle he was driving in a careless and imprudent manner, without due regard for traffic conditions then existing, in violation of 21 Del. C. § 4176(a);

h. failed to exercise and maintain proper control

From: unknown Page: 13/20 Date: 9/28/2007 10:27:59 AM

over the vehicle he was driving;

i. failed to give full time and attention to the operation of his motor vehicle in violation of 21 Del.C. §4176(b); and

j. violated the common-law duty of lookout.

11. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Melissa L. Turney suffered severe bodily injuries including, but not limited to, injuries to her head, neck, back and right leg. Some or all of her injuries have continued since the collision and are permanent in nature.

12. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Melissa L. Turney has incurred and will continue to incur in the future, medical and related expenses for her care and treatment.

13. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Melissa L. Turney has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

14. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Melissa L. Turney has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

From: unknown Page: 14/20 Date: 9/28/2007 10:28:00 AM

15. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Ross E. Turney suffered the loss of consortium and companionship of his wife, Melissa L. Turney, as a result of her injuries.

COUNT II

16. Plaintiff hereby incorporates paragraphs 1 through 15 as if fully set forth herein.

17. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Trevor Shively suffered bodily injuries and emotional distress. Some or all of his injuries have continued since the collision and are permanent in nature.

18. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Arthur Glover, plaintiff Trevor Shively has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

WHEREFORE, plaintiffs demand judgment against defendants, jointly and severally, for their special and general damages, including pain and suffering, punitive damages, attorney fees, pre and post judgment interest, the costs of this action and other such relief as the Court finds just.

From: unknown Page: 15/20 Date: 9/28/2007 10:28:00 AM

/s/ Steven J. Stirparo
STEVEN J. STIRPARO
3622 Silverside Road
Wilmington, DE 19810
Bar No. 2293
302/479-9555
Attorney for Plaintiffs

DATED: August 21, 2007

From: unknown Page: 16/20 Date: 9/28/2007 10:28:00 AM

EFiled: Aug 22 2007 11:04 EDT
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

CERTIFICATION OF VALUE

I, Steven J. Stirparo, Esquire, attorney for plaintiffs,
hereby certify in good faith at this time in my opinion that the
sum of damages of plaintiffs is in excess of \$100,000.00,
exclusive of costs and interest.

/s/ Steven J. Stirparo
STEVEN J. STIRPARO
3622 Silverside Road
Wilmington, DE 19810
Bar No. 2293
(302) 479-9555
Attorney for Plaintiffs

Dated: August 21, 2007

From: unknown Page: 17/20 Date: 9/28/2007 10:28:01 AM

EFiled: Aug 22 2007 11:04 AM
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT-COUNTY

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

PLAINTIFFS' FORM 30 INTERROGATORY ANSWERS

1. Give the name and present or last known residential and employment address and telephone number of each eyewitness to the incident which is the subject of the litigation.

ANSWER. Plaintiffs Melissa L. Turney and Trevor Shively, 30 Vineyard Lane, Felton, Delaware 19943, 302-284-0274; and defendant Arthur Glover, 2111 Van Wie Avenue, Rockford, IL 61103.

2. Give the name and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER. In addition to the parties listed in the answer above, other persons with knowledge of the facts include; their counsel; representatives of Wenger Truck Line Inc., plaintiff's family, friends, physicians, attorneys, the investigating officer and 911 telephone operator.

From: unknown Page: 18/20 Date: 9/28/2007 10:28:01 AM

3. Give the names of all persons who have been interviewed in connection with the above litigation, including the names and present or last known residential and employment addresses and telephone numbers of the persons who have original and copies of the interview.

ANSWER. None to plaintiffs' present recollection.

4. Identify all photographs, diagrams or other representations made in connection with the matter in litigation, giving the names and present or last known residential and employment addresses and telephone number of the person having the original and copies thereof.

ANSWER. See police report. In further response, plaintiffs' counsel is in possession of photographs of the accident scene and property damage, and copy of the 911 tape.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type, the experts whom the party expects to retain in connection with the litigation.

ANSWER. Objection, beyond the scope of Rule 26. Without waiving the objection, plaintiffs expect to retain the appropriate medical, liability, vocational, and economic experts, if necessary.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy numbers;
- c. The type of insurance;
- d. The amounts of primary, secondary and excess coverage.

From: unknown Page: 19/20 Date: 9/28/2007 10:28:01 AM

coverage.

ANSWER:

A. PIP

- a. State Farm Insurance Company
- b. 08-5142-796
- c. Bodily injury
- d. \$100,000.00 per person/\$300,000.00 per accident

B. BI

- a. National Interstate Insurance
- b. 19471
- c. Liability
- d. unknown.

7. Give the name, professional address and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten-year period immediately prior to the date of the incident at issue in this litigation.

ANSWER: To be provided upon entry of appearance by counsel for defendants.

/s/ Steven J. Stirparo
STEVEN J. STIRPARO
3622 Silverside Road
Wilmington, DE 19810
Bar No. 2293
302/479-9555
Attorney for Plaintiffs

DATED: August 21, 2007

From: unknown Page: 20/20 Date: 9/28/2007 10:28:01 AM

Filed: Aug 22 2007 11:04
Transaction ID 16053691
Case No. 07C-08-035 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT-COUNTY.

MELISSA L. TURNEY,)
ROSS E. TURNEY, her husband)
and TREVOR SHIVELY, her minor)
son, by Melissa Turney as)
Parent and Legal Guardian,)

Plaintiffs,)

v.)

ARTHUR GLOVER, and)
WENGER TRUCK LINE, INC.,)
a Foreign Corporation,)

Defendants.)

C.A. NO.: 07C-08-035 JTV

NON-ARBITRATION CASE
JURY TRIAL DEMANDED

**PLAINTIFF'S RESPONSE TO REQUEST FOR
PRODUCTION PURSUANT TO RULE 3(A)(1)(i)**

1. Photocopies of existing documentary evidence relating to special damages.

RESPONSE: To the extent that plaintiff seeks to recover for special damages, photocopies of pertinent documents will be provided to the defendants upon request after an answer is filed in this litigation.

2. In any case in which lost wages or salary is claimed, photocopies of pertinent portions of income tax returns of the plaintiffs for the past three years.

RESPONSE: To the extent that plaintiff seeks to recover for past lost wages or salary, photocopies of pertinent portions of their income tax returns for the past three (3) years will be provided to the defendants upon request after an answer is filed in this litigation.

/s/ Steven J. Stirparo

STEVEN J. STIRPARO

3622 Silverside Road

Wilmington, DE 19810

Bar No. 2293

302/479-9555

Attorney for Plaintiffs

DATED: August 21, 2007

From: unknown Page: 3/20 Date: 9/28/2007 10:27:58 AM



Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS, COMPLAINT, FORM 50 INTERROGATORY ANSWERS, RULE3(a)(1) RESPONSE

this day, Friday, August 31, 2007, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

ARTHUR GLOVER AND WENGER TRUCK LINE, INC.

and a copy of the Complaint for the said defendant, together with the sum of \$4.00 Dollars, as prescribed by Section 3112 of Title 10 of the Delaware Code of 1978.

So Answers,

Jim Higdon
Sheriff of Kent County

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

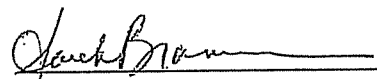
MELISSA L. TURNEY,	:	District Court No. _____
ROSS E. TURNEY, her husband	:	
and TREVOR SHIVELY, her minor	:	
son, by Melissa Turney as Parent	:	CIVIL ACTION No.: 07C-08-035 JTV
and Legal Guardian,	:	
Plaintiffs,	:	NOTICE OF REMOVAL
	:	
v.	:	
	:	
ARTHUR GLOVER, and	:	
WENGER TRUCK LINE, INC.,	:	
a Foreign Corporation	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Stephen P. Casarino, Esq., hereby certify that I have caused to be served via first class mail/hand delivery at 800 North King Street, Suite 200, Wilmington, DE 19801, on this 16th day of October 2007, a true and correct copy of the attached Notice of Removal to:

Steven J. Stirparo, Esquire
3622 Silverside Road
Wilmington, DE 19810

CASARINO, CHRISTMAN & SHALK, P.A.


STEPHEN P. CASARINO, ESQ. #174
SARAH C. BRANNAN, ESQ. #4685
800 N. King Street, Suite 200
Wilmington, DE 19899-1276
(302) 594-4500
Attorneys for the Defendant

1070510
FEB 1 130 08

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MELISSA TURNEY, ROSS E. TURNEY,) her husband and TREVOR SHIVELY, her) minor son, by MELISSA TURNEY, as) parent and legal guardian,)) <i>Plaintiffs,</i>) vs.)) ARTHUR GLOVER, and WENGER) TRUCK LINE, INC., a foreign corporation)) <i>Defendants.</i>)	C.A. No. 07-cv-00648-JJF
--	--------------------------

NOTICE OF SERVICE

I, David P. Cline, Esquire, hereby certify that on this 9th day of January, 2008 copies of the **NOTICE UNDER 10 DEL.C. §3112 UNDER DELAWARE LONG ARM STATUTE TO DEFENDANT, WENGER TRUCK LINE, INC.** were filed electronically with the U.S. District Court and sent by registered and regular mail to:

Wenger Truck Line, Inc.
(via registered and regular mail)
1011 Floral Lane
Davenport, IA 58202

Sarah Brannan, Esquire
(via regular mail)
Casarino, Christman, & Shalk
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899-1276

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline
DAVID P. CLINE, ESQUIRE (#2681)
1300 Market Street, Suite 700
P.O. Box 1970
Wilmington, DE 19899-1970
(302) 529-7848
Attorney for Plaintiffs

Dated: 01/09/08